

A. SORIANO Y CIA, PETITIONER AND APPELLANT, VS. GONZALO M. JOSE ELPIDIO MENDOZA ET AL., RESPONDENTS AND APPELLEES.*G.R. No. L-3211. May 30, 1950*

Ponente: TUASON, J.

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This is an appeal from an order of the Court of First Instance of Manila denying a petition for Certiorari filed against Judge Almeda Lopez of the municipal court. The question for decision is whether the jurisdiction of the municipal court is governed by the amount of each claim or by the aggregate sum of all the claims when there are several plaintiffs suing jointly but having Independent causes of action.

The essential facts are not in dispute. Alleging that prior to August 28, 1948, A. Soriano y Cia. engaged the plaintiffs as employees or laborers at its surplus department at Sta. Mesa yard in different capacities, and that on diverse dates between May 17 and September 30, 1948, Soriano y Cia. had dismissed them without cause, the plaintiffs, twenty-nine in number, brought a joint complaint in the municipal court, which was docketed as Civil Case No. 6058, against their former employer, praying that judgment be rendered sentencing the defendant to pay each of them one month salary in lieu of 30 days' notice. The total of the claims is P5,235, and the largest single claim is P300. Contending that the municipal court had no jurisdiction to try the action because the amount of the demand exceeded P2,000, exclusive of interest and costs, the defendant filed a motion to dismiss, and, after that motion was denied, instituted proceedings for certiorari in the Court of First Instance, the result of which is stated at the outset of this decision.

It is admitted that the plaintiffs' demands are separate, distinct and independent of one another. Nevertheless, it is also admitted that the plaintiffs' Joint suit is proper, expressly authorized by Section 6 of Rule 3, entitled "Permissive Joinder of Parties," which provides that "All persons in whom or against whom any right to relief in respect to or arising out of the same transaction or series of transactions is alleged to exist, whether jointly severally, or in the alternative, may, except as otherwise provided in these rules, join as plaintiffs or be joined as defendants in one complaint, where any question of law or fact common to all such plaintiffs or to all such defendants may arise in the action."

The point wherein the parties are not in agreement is whether the claim of each plaintiff or the aggregate claims of all is the measure of jurisdiction. This question has been the subject of decisions by American courts. In *Hackner vs. Guaranty Trust Co. of New York* (4 Fed. Rules Serv. 378; U.S. Circuit Court of Appeals, Second Circuit, Jan. 13, 1941; 117 F. [2d] 95), it was held that, "When two or more plaintiffs, each having a separate and distinct demand, join in a single suit, the demand of each must be of the requisite jurisdictional amount. Aggregation of the claims to make up the jurisdictional amount is permitted only if the claims are of a joint nature, as when it is sought to enforce a single right in which plaintiffs have a common interest." As *American Jurisprudence*, Vol. 14, p. 413, puts it, "Where several claimants have separate and distinct demands against a defendant or defendants, which may properly be joined in a single suit, the claims can not be added together to make Up the required jurisdictional amount; each separate claim furnishes the jurisdictional test."

The petitioner believes that the joining of plaintiffs having separate claims should be controlled by the principle bearing on the court's jurisdiction in suits where one plaintiff alleges in one complaint several independent causes of action, in which case it is the aggregate amount which determines the jurisdiction. But there is a fundamental difference between such cases and one like that before us. In the first) the total demand accrues to one person, while in the latter only part of the combined demand, which does not exceed the jurisdictional amount, pertains to a single plaintiff. In other words, the court takes into account what one party would recover and not what is adjudged to all the parties or some of them.

There would be more similarity if the present case were compared with one in which several actions commenced by different plaintiffs, handled by the same attorneys, raising the same questions, and founded on the same facts or evidence, were tried together and only one judgment were handed down. If the plaintiffs and the court had adopted such procedure, we do not think that the court's jurisdiction would be open to attack on the ground that the judgment, by reason of the joint trial, adjudicated a greater amount than the law allowed. Yet the only difference between the hypothetical ease we have given and the ease at bar is that in the latter, only one complaint was filed instead of as many as there are plaintiffs. The sole effect, and we should say the sole purpose, of the new rule on joinder of parties is to save them unnecessary work, trouble and expense, consistent with the liberal spirit of the new Rules, and not to enlarge the court's jurisdiction as applied to the amount in controversy.

It is in effect argued that plaintiffs could, through collusion, shift the courts jurisdiction if individual demands rather than their aggregate were used as the criterion. It is the other way around; it is the adoption of the opposite theory, as we see it, which would open the door to manipulation. Several plaintiffs wishing to avoid trial in the justice of the peace court could combine their demands in one complaint so as to put the action beyond the jurisdiction of the inferior court.

Upon the foregoing considerations, the judgment appealed from will be affirmed with costs against the appellant. It is so ordered.

Ozaeta, Pablo, Bengzon, Montemayor, and Reyes, JJ., concur.

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